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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

13 EBAY INC.,) CASE NO. C 08-4052
14 Plaintiff,) [PROPOSED] ORDER GRANTING
15 vs.) MOTION OF DEFENDANTS
16 DIGITAL POINT SOLUTIONS, INC.;) KESSLER'S FLYING CIRCUS,
17 SHAWN HOGAN; KESSLER's FLYING) THUNDERWOOD HOLDINGS, INC.,
18 CIRCUS; THUNDERWOOD HOLDINGS,) BRIAN DUNNING AND
19 INC.; TODD DUNNING; DUNNING) BRIANDUNNING.COM'S TO DISMISS
ENTERPRISES, INC.; BRIAN DUNNING;) PLAINTIFF'S SECOND AMENDED
BRIANDUNNING.COM; and DOES 1-20,) COMPLAINT
Defendants.)
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The motion of Defendants KESSLER'S FLYING CIRCUS, THUNDERWOOD HOLDINGS, INC., BRIAN DUNNING and BRIANDUNNING.COM for dismissal of Plaintiff eBAY, INC.'s Second Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(3) and/or 12(b)(6) came on regularly for hearing before this Court on June 26, 2009. The parties were represented by their respective counsel of record. Having fully considered the briefs, oral argument of counsel, and all other matters presented to the Court,

1 IT IS HEREBY ORDERED THAT Defendants KESSLER'S FLYING CIRCUS,
2 THUNDERWOOD HOLDINGS, INC., BRIAN DUNNING and BRIANDUNNING.COM'S
3 motion to dismiss is GRANTED and Plaintiff's Second Amended Complaint is dismissed as
4 against them without leave to amend.

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6 Dated: _____

7 Honorable Jeremy Fogel
United States District Court Judge

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